

United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

28526-28675

[Approved by the Acting Secretary of Agriculture, Washington, D. C., July 30, 1938]

28526. Adulteration of canned blackberries, canned huckleberries, and blackberry preserves. U. S. v. National Fruit Canning Co. Plea of guilty. Fine, \$303 and costs. (F. & D. No. 39759. Sample Nos. 23974-C, 32643-C, 32651-C, 36131-C, 36153-C.)

The blackberries and blackberry preserves contained excessive mold, and the huckleberries contained evidence of insect and worm infestation.

On December 28, 1937, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the National Fruit Canning Co., a corporation, Seattle, Wash., alleging that on or about October 31, 1936, the said defendant sold and delivered to the G. P. Halferty Co., Seattle, Wash., a quantity of canned blackberries under a guaranty that the article was not adulterated or misbranded within the meaning of the Food and Drugs Act, and that on or about November 2, 1936, it was shipped by the purchaser in the identical condition as when so sold and delivered, from the State of Washington into the State of Idaho; that on or about November 18, 1936, the defendant sold and delivered to the Rogers Co., Seattle, Wash., a quantity of blackberry preserves under a guaranty that the article conformed to the requirements of the Food and Drugs Act; and that on or about December 21, 1936, the purchaser shipped the said article in the identical condition as when so sold and delivered, from the State of Washington into the State of Montana; that on or about November 14, 1936, and January 23, 1937, the defendant shipped from the State of Washington into the States of Montana and Idaho, quantities of canned huckleberries and canned blackberries, respectively, and that each of the said products was adulterated in violation of the Food and Drugs Act. The articles were labeled variously in part: "Tastefull Brand * * * Water Pack Blackberries * * * Packed by National Fruit Canning Co., Seattle"; "Real Fruit Brand * * * Blackberries [or "Water Pack Huckleberries"] * * * Packed by National Fruit Canning Co. Seattle, Wash."; "School Boy Brand * * * Pure Blackberry Preserves Distributed By The Rogers Co. Seattle."

The canned blackberries and the blackberry preserves were alleged to be adulterated in that they consisted in whole or in part of filthy, decomposed, and putrid vegetable substances. The canned huckleberries were alleged to be adulterated in that they consisted in whole or in part of a filthy vegetable substance.

On January 17, 1938, a plea of guilty was entered and the defendant was sentenced to pay a fine of \$303 and costs.

W. R. GREGG, *Acting Secretary of Agriculture.*

28527. Adulteration and misbranding of assorted flavors. U. S. v. 33 Dozen Bottles of Assorted Flavors, et al. Default decrees of condemnation and destruction. (F. & D. Nos. 41232, 41245, 41479. Sample Nos. 56275-C, 56736-C, 7865-D, 7867-D.)

These products contained diethylene glycol, a poison; or carbitol, a solvent composed of a glycol or a glycol ether, both of which are poisons.

On December 23, 1937, and January 20, 1938, the United States attorney for the District of New Jersey, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of